

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	14-00341-01-CR-W-DW
JESSE JAMES GAUDETTE,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On February 2, 2016, counsel for defendant Gaudette filed a motion pursuant to 18 U.S.C. § 4241 for a determination of the mental competency of the defendant to stand trial. That motion was granted and a psychiatric examination was ordered. After receiving the psychological report, the undersigned held a competency hearing on May 16, 2016. At the conclusion of the hearing, this Court filed a Report and Recommendation (Doc. 32) recommending defendant Gaudette be found incompetent to understand the nature and consequence of the proceedings against him and to assist properly in his defense and recommended defendant be committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility for a reasonable time up to 120 days to determine whether there is a substantial probability that in the foreseeable future, the defendant will attain the capacity to permit the trial to proceed. On June 3, 2016, District Judge Dean Whipple adopted the Report and Recommendation.

The Court has now received the psychological or psychiatric report of Dr. Lee Ann Preston Braecht which concluded that the defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. This report has been provided to and reviewed by counsel for the government and counsel for the defendant. On December 12, 2016, a hearing was held pursuant to 18 U.S.C. § 4247(d) for the purpose of determining the mental competency of the defendant to stand trial. At this hearing, counsel for the government and counsel for the defendant stipulated that the Court could consider the psychological or psychiatric report of Dr. Baecht as if Dr. Baecht had appeared in person and testified under oath. No additional evidence was offered by the government or by the defendant.

Based on the record before the Court and the findings of Dr. Baecht , it is

RECOMMENDED that the District Court, after conducting its own independent review of the record, find that defendant Gaudette is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

Counsel are reminded that each has 14 days from the date of receipt of a copy of this Report and Recommendation to file and serve specific objections to the same. A failure to file and serve timely objections shall bar attack on appeal of the factual findings in this Report which are accepted or adopted by the District Judge except upon the ground of plain error or manifest injustice.

/s/ JOHN T. MAUGHMER

JOHN T. MAUGHMER
United States Magistrate Judge

Kansas City, Missouri